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PCT

PTO/SB/21 (08-03)

Approved for use through 08/30/03. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Please type a plus sign (+) inside this box → ☒**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/527,786
I.A. Filing Date	September 15, 2003
First Named Inventor	Kang Ting
Group Art Unit	Unknown
Examiner Name	Unassigned
Attorney Docket Number	39370.00005

Total Number of Pages in This Submission

11

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Deposit Account 07-1850 Authorization	<input type="checkbox"/> Assignment & Recordation Cover Sheet (in duplicate)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Postage Paid Return Postcard	<input type="checkbox"/> Drawing(s) Formal __ Sheet with Submission of Drawings Transmittal (1 page) (in duplicate)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Issue Fee Transmittal with PTO-85b (in duplicate)	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Amendment Transmittal Letter (in duplicate)	<input type="checkbox"/> Request for Continued Examination Transmittal (RCE)	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Request For Corrected Filing Receipt & copy of Filing Receipt showing correction	<input type="checkbox"/> Request for Status of Application
<input checked="" type="checkbox"/> Petition for Extension of Time (1 month) (1 page) (in duplicate)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Information Disclosure Statement (in duplicate) with Form PTO-1449 citing __ References	<input type="checkbox"/> Terminal Disclaimer	<b>Copy of Notification of Missing Requirements Under 35 USC 371 (2 pages); Combined Declaration For Patent Application &amp; Power of Attorney (2 pages)</b>
<input checked="" type="checkbox"/> Express Mail Label No. EV 721 158 737 US	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) ____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input checked="" type="checkbox"/> Response to Missing Requirements under 35 USC 371 (2 pages) (in duplicate)		

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Squire, Sanders & Dempsey L.L.P. Zhaoyang Li, Reg. No. 46,872
Signature	
Date	September 28, 2005

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: September 28, 2005			
Typed or printed name	Rebecca M. Klits		
Signature		Date	September 28, 2005

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Examiner: Not Yet Assigned

Kang Ting

Serial No. 10/527,786

Art Unit: Unknown

I.A. Filing Date: September 15, 2003

Title: NELL-1 Enhanced Bone Mineralization

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC 371**  
**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

In response to the Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office mailed on July 22, 2005, in the above-identified application, enclosed herewith are the additional claims fees and Declaration of the inventor needed to complete filing of the above-identified patent application.

☒ Small entity status is proper for the assignee under 37 C.F.R. §§1.9 and 1.27.

The fees associated with the filing of this response are shown below:

										Fees
Filing Fee										\$ 0.00
Missing Parts Surcharge										\$130.00
Any Additional Claim(s) over 20				x	\$50.00					\$ 0.00
Any Additional Independent Claim(s) over 3				x	\$200.00					\$200.00
Multiple Dependent Claim(s)				x	\$360.00					\$ 0.00
<input checked="" type="checkbox"/> Extension of Time Fee										\$120.00
For Large Entity										
Divide In Half For Small Entity										
TOTAL FEE ENCLOSED										= \$ 450.00
										= \$ 225.00

10/05/2005 GFREY1 00000135 071850 10527786  
01 FC:2617 65.00 DA  
02 FC:2614 100.00 DA

- ☐ No additional fee is required for this \_\_\_\_\_.
- ☒ Please charge Deposit Account No. 07-1850 in the amount of \$225.00
- ☒ The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 07-1850
- ☒ Charge any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,



Zhaoyang Li, Ph.D.  
Attorney for Applicants  
Reg. No. 46,872

Date: September 28, 2005  
SQUIRE, SANDERS & DEMPSEY L.L.P.  
One Maritime Plaza, Suite 300  
San Francisco, California 94111  
(415) 954-0200



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/527,786	Kang Ting	38586-327005

1923  
 MCDERMOTT, WILL & EMERY LLP  
 227 WEST MONROE STREET  
 CHICAGO, IL 60606-5096

RECEIVED  
 JUL 29 2005

MW&amp;E

INTERNATIONAL APPLICATION NO.
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PCT/US03/29281

I.A. FILING DATE	PRIORITY DATE
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09/15/2003

09/13/2002

CONFIRMATION NO. 9987

371 FORMALITIES LETTER



\*OC000000016595237\*

Date Mailed: 07/22/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/11/2005
- Copy of the International Search Report filed on 03/11/2005
- Preliminary Amendments filed on 03/11/2005
- Biochemical Sequence Diskette filed on 03/11/2005
- Oath or Declaration filed on 03/11/2005
- Biochemical Sequence Listing filed on 03/11/2005
- Small Entity Statement filed on 03/11/2005
- Request for Immediate Examination filed on 03/11/2005
- U.S. Basic National Fees filed on 03/11/2005
- Priority Documents filed on 03/11/2005
- Power of Attorney filed on 03/11/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$100 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- ~~Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application~~ by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$165** for a Small Entity:

- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$ 100**
  - \$100 for 4 independent claims over 3.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/527,786	PCT/US03/29281	38586-327005